

# **Proactive Community Supervision**

A Plan for Making Maryland Communities Safer

October 2000

**A Report to the  
Budget Committees of the Maryland General Assembly**



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## **Preface**

*During the 2000 legislative session, Governor Glendening proposed and the Maryland General Assembly approved several significant increases in the fiscal year 2001 budget for the Maryland Division of Parole and Probation. The new funds provide for a two-grade salary upgrade for all criminal supervision and drinking driver monitoring staff and supervisors as well as 64 new positions (44 agents, 7 first-line supervisors, 8 secretaries, and 5 intake reviewers) for criminal supervision.*

*The following report is a detailed implementation plan for reinvention to a Proactive Community Supervision model and was prepared by the Department of Public Safety and Correctional Services in response the 2000 Joint Chairmen's Report.*

## **Acknowledgments**

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## Executive Summary

At any given time, only about one-third of the adults under the jurisdiction of Maryland's criminal justice system are incarcerated. The other two-thirds reside in the community and are supervised by the Maryland Division of Parole and Probation (MDPP). Under these circumstances, the *community* in community supervision must begin to mean more than *not incarcerated*. Community supervision should mean that parole and probation staff engage all available community resources (e.g., community residents, local law enforcement agencies, treatment providers, job training opportunities, etc.) in the performance of their supervision duties.

Currently, there are approximately 108,000 cases under the supervision of the MDPP. Of that number, over 54,000 cases are in active status — meaning the offender is in the community and available for supervision. The daily tasks of MDPP agents include:

- g seeing offenders in their homes;
- g ongoing dialogue with victims and other stakeholders;
- g conducting late office reporting for offenders;
- g testing offenders for drug use;
- g referring offenders for drug treatment and other services;
- g communicating with treatment providers;
- g participating in violation hearings in various courts and correctional facilities;
- g finding out the amount of restitution owed to a victim and monitoring its collection;
- g tracking arrest data and monitoring court dispositions;
- g writing reports to the courts and the Maryland Parole Commission to communicate information regarding an offender's conduct and progress; and
- g completing various administrative tasks.

The numerous activities listed above, combined with large caseloads, create an atmosphere where little time remains for both meaningful interaction and oversight of offenders. However, MDPP has immense potential to make Maryland communities safer and to do more for the adults under criminal supervision, helping them to become productive adults and good neighbors. Until now, much of the potential of community supervision has been overlooked.

By adopting a proactive community supervision (PCS) model, combined with caseloads of 50-55, community supervision takes on the following objectives:

- g Protecting public safety;
- g Holding offenders accountable to victims and the community; and
- g Developing competency and character to help offenders become responsible and productive members of society.

In practice, proactive community supervision utilizes the following components to support these objectives: information tools; sanction tools; service tools; deployment strategies; information services, equipment and technology; and performance measurement and evaluation. It means that every agent is trained to make use of the information, sanction, and service tools and is deployed according to one of these strategies.

Under the PCS model, agents' caseloads are reduced to appropriate levels so they can spend more time in neighborhoods working one-on-one with offenders. Agents spend their days near where parolees and probationers call home. They work with parolees and probationers to beat the drug and alcohol addictions that lead them back to crime and violence. They help them get basic education and job skills so they can become contributing citizens. They build relationships with offenders' families, friends and neighbors, people who can alert agents before trouble arises. They have the chance to intervene before an offender commits a new crime and help offenders rebuild their lives and stay on track. And, since they spend a significant amount of time in the community, they are able to respond quickly when an offender's behavior necessitates removal from the community.

Marylanders desire and deserve safe communities. By reinventing the Division of Parole and Probation as a proactive, community-based, technologically sophisticated organization that is focused on guiding rather than solely catching offenders, the State will be taking a first step on the right road. This will not—cannot—be completed overnight. It will take several years, new resources, and meaningful collaboration across criminal justice agencies and other public and private organizations.

*September 15, 2005*

*Dear Secretary Simms:*

*I began using marijuana and cocaine in 1990 when I was 15. By 1994, I had a serious addiction and was arrested several times. I was convicted of distributing cocaine in 1995 and had my first experience with adult probation supervision. I'm writing to talk about the differences between probation as it was then and as I know it now.*

*In 1995, I reported to the probation office every other month. Urine testing was so rare that most offenders didn't give it much thought. Frankly, supervision was mostly just an inconvenience.*

*Since those days, I've worked as a house painter and carpenter. But I lost those jobs and my family due to drugs. Last year, I was arrested again for selling drugs. I got one year in prison, followed by three years supervised probation. This time, it's so different! As soon as I reported to the Division of Parole and Probation, I was given a drug test and they referred me immediately to out-patient treatment. They also told me that I'd be tested frequently until all my urines were clean. My agent also seems to have time to actually discuss what's going on in my life. In the past, reporting was just "in and out." Now, the agent sits and talks things over each visit, and even comes to my house on a regular basis to check up on me and remind me of the consequences of further criminal activity.*

*For users like me, staying drug free isn't easy. We need all the help and support we can get. The drug testing and sanctions for positive tests keep reminding me how close I am to going back to jail.*

*Sometimes I wish the agents would pay a little less attention to me, but I know they're just doing their job. No beef from me—I'm a grateful recovering ex-offender.*

*Thanks for supporting the Division of Parole and Probation.*

## I. Introduction

At any given time, only about one-third of the adults under the jurisdiction of Maryland's criminal justice system are incarcerated. The other two-thirds reside in the community and are under mandatory, parole, or probation<sup>1</sup> supervision. Under these circumstances, the *community* in community supervision must begin to mean more than *not incarcerated*. Community supervision should mean that parole and probation staff engage all available community resources (e.g., community residents, local law enforcement agencies, treatment providers, job training opportunities, etc.) in the performance of their supervision duties.

The reinvention model for probation calls for meaningful supervision of offenders in the community, community partnerships and a management approach that considers organizational culture and change. (Burrell, W. D., and Clear, T., *Reinventing Probation: Organizational Culture and Change*)

In pursuing the goal of safe communities, proactive community supervision means that supervision takes on the following objectives:

- g Protect public safety;
- g Hold offenders accountable to victims and the community; and
- g Develop competency and character to help offenders become responsible and productive members of society.

In practice, proactive community supervision utilizes the following components to support these objectives: (1) information tools; (2) sanction tools; (3) service tools; (4) deployment strategies; (5) information services, equipment and technology; and (6) performance measurement and evaluation. It means that every agent is trained

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1 - Mandatory supervision - a nondiscretionary release from prison required by law after a criminal offender has served his or her sentence less diminution of confinement credits.

Parole - a discretionary, conditional release from criminal imprisonment granted by the Maryland Parole Commission.

Probation - a disposition under which a court defers imposition of a sentence (or suspends the sentence), and releases an individual, under prescribed terms and rules for a specified period of time. (*Maryland's Criminal and Juvenile Justice Process*, Maryland General Assembly Legislative Handbook Series, Volume IX, 1998.)

to make use of the information, sanction, and service tools and is deployed according to one of these strategies.

Proactive community supervision also helps to ensure that there is sufficient prison capacity for violent offenders, major drug traffickers, and violent sexual offenders. “Approximately one-third of the growth in the State’s prison population between 1985 and 1995 was due to an increase in probation and parole violators. An estimated one-half of these violators were technical violators, meaning they were incarcerated for breaking the rules of their release. By increasing the intensity of supervision and services provided, the community supervision initiatives will stop offenders from committing new crimes that require incarceration, either in state prison or local jails. Currently, one-third of those arrested in Baltimore City are on parole or probation at the time of arrest, and 44 percent of the bed-days at the Baltimore City Detention Center are consumed by those already on parole or probation.”<sup>2</sup>

The Maryland Division of Parole and Probation (MDPP) has immense potential to make Maryland communities safer and to do more for the adults under criminal supervision, helping them to become productive adults and good neighbors. Until now, much of the potential of community supervision has been overlooked.

Transforming the untapped potential of community supervision into reality means agents will increasingly work in neighborhoods and communities with offenders on a daily basis, not from a distant office. It means they will work in concert with community residents, community associations, educational institutions, employers and other criminal justice agencies. Offenders need to reconnect with the community in a positive way; agents will help make that happen. From this starting point—the perspective of the community—MDPP’s new proactive community supervision (PCS) model for parole and probation has arisen. This is systemic change, not a quick fix or a piecemeal program. PCS will be a fundamental change in the way MDPP does business.

Under the PCS model, agents’ caseloads are reduced to appropriate levels so that agents can spend more time in neighborhoods working one-on-one with offenders.

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2 - Correctional Action Agenda Plan II 1999, Department of Public Safety and Correctional Services, December 1999, p.1-9.



Agents will:

- g Spend their days near where parolees and probationers call home;
- g Work with parolees and probationers to beat the drug and alcohol addictions that lead them back to crime and violence;
- g Help parolees and probationers get basic education and job skills so they can become contributing citizens;
- g Build relationships with offenders' families, friends and neighbors, people who can alert agents before trouble arises;
- g Have the chance to intervene before an offender commits a new crime and help offenders rebuild their lives and stay on track; and
- g Be able to respond quickly when an offender's behavior necessitates removal from the community since they will be spending a significant amount of time in the community.

There will be changes in how supervisors work as well. Instead of spending 80 to 90 percent of their time on paperwork, they will work closely with agents to develop plans for managing offenders. PCS is a team effort, where a supervisor shares insight, experience and expertise that can benefit both the agent and the offender. The MDPP will need to move beyond the traditional workweek to make agents available in the community when offenders and their families are home. The way the MDPP measures job performance will also change radically. Currently, the MDPP judges performance based on how many contacts an agent has with an offender. New performance measurements will be based on outcomes—is the offender working, drug-free, abiding by all of the conditions of parole or probation—issues that make a real difference in the safety of the community and the life of the offender.

Marylanders desire and deserve safe communities. By reinventing the Division of Parole and Probation as a proactive, community-based, technologically sophisticated organization that is focused on guiding rather than catching offenders, the State will be taking a first step on the right road. This will not—cannot—be completed overnight. It will take several years, new resources, and meaningful

collaboration across criminal justice agencies and other public and private organizations.

## **II. Parole and Probation Supervision - Now**

Currently, there are approximately 108,000 cases under the supervision of the Maryland Division of Parole and Probation (MDPP). Of that number, over 54,000 cases are in active status — meaning the offender is in the community and available for supervision. In addition to regularly writing reports to the courts and the Maryland Parole Commission to communicate information regarding an offender's conduct and progress, MDPP agents' routine daily tasks include:

- g** seeing offenders in their homes;
- g** ongoing dialogue with victims and other stakeholders;
- g** conducting late office reporting for offenders;
- g** testing offenders for drug use;
- g** referring offenders for drug treatment and other services;
- g** communicating with treatment providers;
- g** participating in violation hearings in various courts and correctional facilities;
- g** finding out the amount of restitution owed to a victim and monitoring its collection;
- g** tracking arrest data and monitoring court dispositions; and
- g** completing various administrative tasks.

The numerous activities listed above, combined with large caseloads, create an environment which provides agents with very little time for meaningful interaction with offenders. In addition, an agent may have two to five additional (non-active) cases on one offender, from various judges throughout the State. When this occurs, an agent has to attend violation hearings in each court and write reports to each

judge who ordered probation for the offender. The time in court may consume a large amount of an agent's time.

The MDPP has approximately 54,000 cases in other categories (e.g., Central Collection Unit, Non-Active, Pending Split Sentence, and Delinquent Status). While these cases are not under active supervision, they generate additional work for agents, including updating databases, report writing, making court appearances, corresponding with other criminal justice stakeholders and going to various courts or penal institutions.

### **III. The PCS Model: Not "Business As Usual"**

Notwithstanding substantial prison construction in the late 1980s and early 1990s, prison populations in Maryland continue to challenge the bed capacity of the State's correctional institutions. Between 1990 and 1996, State prison admissions increased 30 percent, from 16,592 to 21,923 offenders, a net increase of 5,331 offenders—enough to fill four maximum security institutions the size of the Maryland House of Correction. It became obvious that building prisons alone was not a feasible or cost-effective solution to reducing crime.

The people of Maryland demanded safer communities. Their demands led the Department of Public Safety and Correctional Services to look for other alternatives. "In response to prompting from the General Assembly's budget committees, Maryland's Correctional Options Program (COP), administered by the Maryland Division of Parole and Probation (MDPP), has been managing low-risk, non-violent, substance involved offenders in the community under strict controls since March 1994. COP employs a dual track of progressive incentives and regressive sanctions. Offenders may begin their period of supervision in the intensive level. If they comply with the conditions of their supervision, the restrictions are gradually reduced. However, if offenders do not comply (e.g., non-compliance with the conditions of supervision, or drug tests indicate recent drug use), a more severe punishment, such as a period of incarceration, is imposed. In this way, offenders are accountable for their behavior."<sup>3</sup>

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3 - Correctional Options Program - Report to the Budget Committees of the Maryland General Assembly, Department of Public Safety and Correctional Services, August 1996, p.ii.

During this same time frame, the MDPP also played a pivotal role in the development and implementation of the Baltimore City Drug Treatment Court and Maryland's HotSpots initiative which has now grown to 92 communities. These programs cut recidivism rates, help bring down the overall crime rate and reintroduce offenders to the community.

But standout programs, like Correctional Options, Baltimore City Drug Treatment Court, HotSpots, and Break the Cycle, are only scattered pockets of strength unless they are delivered through a methodology with a vision. There has not been an overall community-based plan for the State. Only selected communities are benefitting. For community supervision to truly succeed, it needs to be woven into the fabric of all of the communities it serves. Most agents need to be in the community working with offenders and building partnerships with the people who live in the neighborhoods. This basic philosophy is the genesis for the proactive community supervision (PCS) model that the MDPP proposes to implement.

### Defining Proactive Community Supervision

PCS is a comprehensive community-oriented approach to parole and probation. Agents are assigned to supervise offenders in a specific neighborhood or area. This gives agents the chance to get to know the people who see and interact with offenders every day—family members, friends, neighbors, local business owners, clergy. Unlike the traditional office based system, PCS brings agents into the community to do the bulk of their work. They have more face-to-face contact with the people under their supervision. That has a number of advantages. On the simplest level, if offenders know an agent is in their community on a regular basis, talking with their friends, walking down the same streets, offenders will feel that they are under closer scrutiny with less chance to *get away* with a crime or a violation of parole or probation. Offenders also benefit from this more active approach.

Many probation agencies have become accustomed to the practices associated with “fortress probation.” ... this style of supervision relies mainly on office-bound interactions with offenders within an “official” setting. It is no longer feasible for probation officers to sit in safe office environments and wait passively for offenders to come by and share what it is they think their probation officers want to hear. (The Reinventing Probation Council, Transforming Probation Through Leadership: The “Broken Windows” Model, p. 42.)

Agents work with them to identify and guide them to the services they need to fight addictions, gain basic job skills and education, and find a decent job. Similar to community policing, in community supervision, agents become part of what is positive in a community, and the people who live there feel safer. (See Appendix F.) Through closer supervision, PCS will help to make communities safer immediately. By guiding offenders into appropriate services, PCS will help to sustain safer communities.

### New Roles For Agents and Supervisors

The PCS model creates an entirely new way of working and thinking for MDPP agents and supervisors. Contrasting how the system works now with how it will work under PCS makes the differences absolutely clear. (See Appendix B for more details.) Under the traditional system, agents spend most of their time in offices; offenders report to them. Little intervention is called for on the agent's part. In the PCS model, agents actively manage offenders. They talk to and work with them on a one-on-one basis to chart a course that will lead the offender back to a positive, productive life. Currently agents handle a mixed caseload of high- and low-risk offenders, averaging 103 cases per agent, which means some high-risk offenders do not receive adequate time and attention from agents. Under PCS, agents work with either 50-55 high-risk/high-need offenders who need intensive management or about 200 low-risk/low-need offenders.

The role of supervisor also changes radically under PCS. Currently, supervisors typically spend an eight-hour day in the office handling paperwork. They are responsible for overseeing the work of eight to ten agents, and they are not actively involved in individual cases. When a problem arises, they react. Often their role is more like auditor than partner. Under PCS, supervisors become active team leaders and mentors who work closely with about five or six agents, sharing insight and expertise to help develop effective case plans. Active involvement from seasoned veterans helps agents troubleshoot potential problems before they become serious. A PCS supervisor also spends less time in the office and more time in the field observing agents at work and strengthening relationships with communities.

## Training for PCS

The PCS model calls for a very different set of skills for agents and supervisors. This has to be an enthusiastic, energetic group of professionals who like to think creatively, take an active role and work cooperatively as a team. They must be given the responsibility to make decisions and act on them. To work effectively with offenders and community members, they will need intensive and ongoing training in a variety of areas, including interpersonal and leadership skills, conflict management, team building, and how to teach decision making and other essential skills to the offenders with whom they work. They will need training in new technologies—computers, Internet, mobile communications, digital media, etc.—that are integral to the success of the PCS model. They will also need instruction in the use of new offender risk assessment and case planning tools currently under development. Career development will also be an important key to attract and retain the best people.

The MDPP is laying the foundation for the transition to a different type of skill set for agents and supervisors with a training initiative funded in part by a grant from the Governor's Office of Crime Control and Prevention. This particular training, which includes all agents and first-line supervisors, is focused on case management and testing of the substance abusing offender, but it is a foundation for the skills needed to support proactive community supervision.

## IV. Changing the Way MDPP Works

Beyond refocusing staff and resources into communities, the PCS model calls for an appreciable cut in agent caseloads and a new way of dividing cases based on the risk to the community posed by each offender. A risk assessment tool currently under development will drive the classifications. In addition, doing business with and within the MDPP must be streamlined. To that end, every-day processes—such as completing forms, accessing policy and procedure manuals, and sharing information — must take advantage of the latest web and database technologies. They must be simplified and clarified. Just as important, stronger collaborative partnerships must be built with allied agencies, including the Division of Correction, the Maryland Parole Commission, and the Department of Juvenile Justice.

## Caseload Ratios

For the PCS model to succeed, agent caseloads need to be divided differently and, in the case of high-risk offenders, cut drastically. The proper ratio is 50-55 high-risk/high-need cases per agent<sup>4</sup> or 200 low-risk/low-need cases. Under PCS, agents would no longer carry a mixed caseload of about 103 cases. Cutting the number of high-risk cases an agent manages and separating high- and low-risk/need cases allows agents to work much more intensively with the offenders who need more guidance, attention, and direct supervision. While the magnitude of low-risk/need cases may sound great, most of these offenders will require minimal attention. Many may be able to report in via automated kiosks like the one that will be piloted in Prince George's County later in FY 2001.

Offenders who need the maximum level of supervision will comprise about 70 percent of MDPP's active caseload. They will be fully assessed, have case plans developed to address specific service and treatment needs and be managed based on the requirements of their case plan. Low-risk offenders will be identified by a risk screening tool at intake and will receive the minimum level of supervision. At any time, offenders can be reassessed and their level of supervision altered. Low-risk offenders form about 30 percent of MDPP's active caseload. Those with special conditions may report in groups for instructions and individual follow-up.

## Staffing

The California Department of Corrections reported that on June 25, 2000, the prison population was 360 fewer inmates than the same time last year. They credited the Department's Preventing Parolee Crime Program which provides substance abuse treatment, employment preparation and placement, and computer literacy training for parolees. The Department also said their new budget includes:

- g \$10.4 million and 105 parole agents to lower the offender to agent ratio from 70-1 to 40-1.
- g \$2 million and 23 new parole agents to intensify efforts to apprehend parolees who have failed to maintain required contact with parole agents.
- g \$1.9 million and 22 parole agents to increase supervision of parolees and assist them in obtaining job services.
- g \$6 million and 60 staff people to expand current parole outpatient programs for the mentally ill. (Press

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4 - According to Mario Paparozzi, PhD, consultant for the U.S. Department of Justice, Corrections Program Office, and immediate past president of the American Probation and Parole Association, in order to demonstrate positive effects, the appropriate agent-to-case ratio should be 1:50-55 for high risk offenders and 1:200 for low-risk offenders.

The MDPP currently has 87 first-line supervisors and 524 agents supervising approximately 54,000 cases. The MDPP has developed a plan to adjust caseloads to be consistent with the PCS model; an additional 244 agents will be required. Additional supervisors also will be needed to reach the ratio of five to six agents per supervisor. That's an increase of 33 first line supervisors. In addition, 52 administrative and clerical assistants, 5 training and career development staff and 5 computer specialists for technology assistance and troubleshooting will be needed. The MDPP's implementation plan calls for a four-year phase-in of new staff. (See Appendix A for details.)

Additional staff also will be needed in the executive management, human resources, and budget and fiscal services areas to handle the increased number of MDPP employees. In addition, a research and evaluation unit is needed to develop, capture, and use performance-based measures to ensure that performance evaluation measures reflect outcomes, not outputs. It also would research MDPP needs and seek grant funds. A quality assurance team would conduct audits, determine trends, and implement strategic planning within the MDPP.

The MDPP is currently seeking grant funds to enable it to accelerate its efforts related to hiring new staff to support the performance measure and quality control/assurance tasks described above.

### Changing Work Schedules

Currently, agents and supervisors typically work Monday through Friday from 8 a.m. to 5 p.m. Agents also work about two evenings per month. Very little work is done on weekends. Under the PCS model, the MDPP will expand the use of alternative work schedules for the 40-hour workweek. This will enable staff to be more flexible and work outside of traditional work hours and days. Evening, weekend and holiday hours will become a regular part of agent and supervisor schedules so that they can be available in the community at the times when offenders and their families are most likely to be home. All newly-hired staff will be expected to work flexible schedules.



## Facilities Requirements

Under the Proactive Community Supervision model, it is envisioned that agents will spend the majority of their time in the community; therefore, the impact on office space is expected to be negligible. Agents will share office space.

There are a number of other tools the MDPP needs to succeed under the PCS model, including:

- g Additional State cars for agent staff to operate within the community; and
- g Cellular phones, bulletproof vests and laptop computers to protect and help agents communicate while in the community.

## **V. Information Technology: Key to Success**

Proactive Community Supervision cannot be implemented without the right tools. The MDPP has fallen significantly behind in technology. MDPP agents still handwrite their notes on each offender in traditional casebooks (old-fashioned, three-ring notebook binders). This creates obvious problems with managing, sharing, and analyzing data, ensuring compliance with all requirements, and deciphering bad handwriting. This must change.

The PCS model relies on timely exchanges of information and access to data. Agents need laptop computers to record field notes and complete reports. Links to the Criminal Justice Information System (CJIS), Offender Based State Correctional Information System (OBSCIS) and other law enforcement and correctional data systems are needed so information is readily available to agents and other criminal justice stakeholders. E-mail is an essential information sharing and communication tool that must be available to every agent and supervisor.

Kiosks may be used to monitor select low-risk/low-need offenders and as a supplemental reporting requirement or sanction for high-risk/high-need offenders. A pilot of the concept is planned for Prince George's County beginning later in FY2001. If successful, this concept should be expanded to other areas of the State where the technology would be a more cost-effective crime control tool.

In some jurisdictions, the MDPP utilizes the HIDTA Automated Treatment Tracking System (HATTS) to track urinalysis results, treatment compliance and to communicate with treatment providers. The agents assigned to HotSpots have access to a stand-alone case management system known as COSIS (Community Offender Supervision Information System). Presently, COSIS does not interact with any other criminal justice information systems. The MDPP has an immediate need to expand the use of HATTS or a similar case management system for swift communication with service providers. Consequently, MDPP is currently seeking grant funds to support the expansion of its electronic case management capabilities, to provide for the automatic transfer of offender information from OBSCIS II to the case management system, and to expand the number of MDPP offices with access to the computerized case management system. To achieve optimal success, the development of a Department-wide web enabled system which supports and enhances communications with treatment providers and other stakeholders will be necessary.<sup>5</sup>

Additional technology needed under the PCS model includes digital cameras, electronic surveillance technology, and Geographic Information Systems (GIS) to map offender locations for planning purposes and resource allocations.

## **VI. Tools to Make Supervision More Effective**

Public safety is the primary concern of the MDPP. By linking offenders under supervision with opportunities to become positive, contributing members of their communities, MDPP and its partners can strengthen communities and enrich the quality of life. A new case management tool is needed to determine how offenders achieve their goals and what counseling, educational, and other support services they need to build new lives. There are a number of tools under development designed to help us make these assessments.

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5 - The MDPP is one of several agencies within the Department of Public Safety and Correctional Services, and all technology and information system plans must be developed in collaboration with its sister agencies and consistent with Department priorities (a fully integrated system beginning with arrest/booking and including court dispositions, incarceration history to parole/probation history as well as a comprehensive collection system for fines, fees and restitution). Accordingly, more details will be provided in the strategic master plan for a Correctional Information System that the Department is developing in response to a request in the 2000 Joint Chairmen's Report.

Currently, the MDPP utilizes a three level system of classifying offenders. Of the approximately 54,000 active cases under supervision, about 30 percent are classified as intensive, 40 percent are classified as standard high and 30 percent as standard low. Under the PCS model, a two level system of classification will be implemented: the intensive level for offenders who pose a high risk or have a high level of needs; and standard for offenders who pose a low risk or have a low level of needs. Under PCS, all offenders currently classified in the intensive and standard high levels (70 percent) will be assigned to the intensive level of supervision and the others will be assigned to standard supervision.

### Risk Management

The agency needs a quick risk-screening tool, which can be completed at intake, to direct offenders to the proper level of supervision. This tool must be valid and unbiased in differentiating the levels of offender risk. The Recidivism Reduction Lab of the Bureau of Governmental Research at the University of Maryland College Park has developed a tool which is currently undergoing testing and validation. (See Appendix E.) It will save time and effort by pinpointing low-risk offenders who do not need the full assessment and case plan development.

Risk classification enables correctional agencies to direct scarce resources to those offenders most likely to commit new crimes. (Brown, K., Van Voorhis, P. V., Risk Classification in the 1990s, Report for the National Institute of Corrections, 1997.)

### Identifying Offender's Deficits

As the MDPP changes its business model from one where it supervises offenders to one where it manages them from within their own communities based on each offender's need for services, it must have a valid case management assessment/reassessment tool. The tool will help agents and supervisors develop a comprehensive plan based on each offender's needs and circumstances. It will determine the agent's activities with each case and collect data for measuring the success of the intervention efforts.

The MDPP's goal is to implement a new seamless system of risk/needs assessment that encompasses the Division of Pretrial Detention and Services, the

courts, the Division of Correction, and the MDPP. Classification/Assessment information should follow offenders throughout the various stages of the criminal justice system, thereby creating a continuum of information. Information and systems of gathering information related to offender classification/assessment should follow a sequential compilation process, thereby allowing the stakeholders to develop a more comprehensive picture of the individual offenders. This will increase the ability of stakeholders to share valuable information which has often been fragmented, misinterpreted and difficult to obtain. Currently, the MDPP has a committee researching products available in the United States and Canada.

The needs assessment tool will:

- g Predict the probability of violence, recidivism/re-arrest, failure to appear, community non-compliance (technical violations), or other outcomes;
- g Be relevant to the services and programming utilized by pretrial supervision, prisons, and parole and probation;
- g Be valid and unbiased in differentiating the levels of offender risk;
- g Provide a dynamic and continual process, usable at initial intake and at other intervals during an offender's period of supervision;
- g Be simple in design and content and allow for completion within a reasonable amount of time; and
- g Be entered, stored and updated in a data information system that interfaces with the information systems of other criminal justice stakeholders.

After an offender's needs have been identified, part of the MDPP's job is to connect the offender with the specialized services needed to turn that individual away from criminal behavior. Such services may include:

- g drug and alcohol abuse treatment;
- g mental health/psychological counseling;
- g specialized treatment services (e.g., sexual offenders, domestic violence);

- g cognitive treatment;
- g links with community support networks (e.g., faith community);
- g education;
- g job training and placement;
- g health testing and referral; and
- g referrals for housing.

## VII. Ensuring Public Safety

Warrants need to be served promptly; otherwise, the impact of parole and probation sanctions is diminished and public safety is compromised. Maryland parole and probation agents initiate two types of warrants—parole retake warrants, which are issued by the Maryland Parole Commission, and violations of probation, which are issued by the courts. The MDPP is authorized to serve parole retake warrants; however, it does not have statutory authority to serve violation of probation warrants. Most parole retake warrants and all violations of probation are served by local law enforcement agencies. Consequently, delinquent offenders for whom parole retake and probation warrants have been issued may remain in the community for some period of time.

The MDPP has had a small, two-member, warrant service unit. Funds included in the FY 2001 budget provide for the MDPP to expand its warrant service unit by three agents, one supervisor and one clerical. In an effort to maximize this investment, the MDPP is partnering with the Baltimore City Police Department and other local law enforcement agencies in the Metropolitan Warrant Task Force. In addition, the Governor's Office of Crime Control and Prevention has committed grant funds to the MDPP to support the personnel and equipment needed for a second specialized warrant service unit. Finally, in the spirit of *proactivity*, MDPP is currently exploring whether other qualified staff<sup>6</sup> can be deployed to warrant

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6 - Under §6-106(a) of the Correctional Services Article, the Director of parole and probation may authorize properly trained employees to execute warrants for the retaking of offenders. The training requirements include entry level training as a parole and probation agent (8 weeks) as well as the additional training prescribed by the Police Training Commission (13 weeks).

service duties. These combined warrant service expansion efforts will realize greater public safety, interagency cooperation and agency credibility.

## **VIII. Performance Measures and Expected Outcomes**

Like most other community corrections agencies nationwide, the MDPP has measured its “success” based on meeting standards — counting the contacts between an agent and an offender (outputs). Under the PCS model, the MDPP will emphasize offender outcomes over processes. Rather than measuring the number of times offenders are seen by agents, or how many reports are submitted in a particular month, PCS is concerned with how many offenders complete intervention programs, obtain jobs and remain employed, and which ones successfully complete probation or parole.

In evaluating the performance measures and expected outcomes to be achieved by the implementation of PCS within the MDPP, it must be understood that implementation of PCS is a fundamental shift in organizational culture for the MDPP which will take five years to fully implement. Therefore, the benefits of PCS will be realized incrementally as the program is phased in throughout the State.

### **Proposed MDPP Goals**

- Goal 1:** Provide decision-makers the information needed to determine appropriate dispositions and suitability of placement for offenders.
- Goal 2:** Enforce court- and Parole Commission-ordered conditions.
- Goal 3:** Protect the community: offenders are to be closely managed so that violations are noted and, if serious enough, result in the offender being recommended for removal from the community.
- Goal 4:** Support crime victims.
- Goal 5:** Give offenders the opportunity to change their behavior by participating in programs designed to reduce their criminal activity.

Good performance measures will determine the extent to which the activities are being performed and the agency goals are being achieved.<sup>7</sup> The following

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7 - Petersilia, Joan, *Performance Measures for the Criminal Justice System*. “Measuring the Performance of Community Corrections,” pg. 73. Bureau of Justice Statistics, Princeton University.

performance measures and expected outcomes are proposed to evaluate the impact of PCS within the MDPP:

<b>Performance Measures</b>	<b>Outcome</b>
Percent of offenders successfully completing supervision	Increase
Number of revocations	Decrease
Number and type of arrests during supervision	Decrease
Number of absconders during supervision	Decrease
<b>Performance Measures</b>	<b>Outcome</b>
Payment of restitution	Increase
Offenders employed during supervision	Increase
Number of positive drug tests	Decrease
Percent of offenders completing treatment programs	Increase

At this time, the expected outcomes are presented in terms of expected direction of the outcome, an increase versus a decrease, rather than an estimated percent or number increase or decrease. The reason for this is two-fold. First, the full impact of PCS will not be felt or achieved until PCS is fully implemented throughout the MDPP. Secondly, changes in performance measures can be deceiving. For example, a small decrease in a percentage point can make a significant difference. The Georgia Parole Board, which recently implemented results-driven supervision complete with an automated management information system, experienced a modest one percent reduction in the return to prison rate. This one percent reduction resulted in a \$6 million cost avoidance.<sup>8</sup>

In conclusion, these performance measures and expected outcomes will demonstrate to the MDPP's stakeholders what the MDPP will accomplish under PCS to assist offenders to change and to improve public safety in the community.

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8 - Bralley, Jim, Presentation at the American Probation and Parole Association's 25<sup>th</sup> Anniversary Conference, Phoenix, Arizona, July 23, 2000.

## **IX. A Timetable for Transforming Parole and Probation**

Moving from the current way of doing business to the PCS model will not—cannot—happen overnight. It is a bold change in the way MDPP approaches the challenges of parole and probation. The reinvention will unfold over several budget cycles, as the following timeline demonstrates.





[illegible]

## STAFFING PLAN

The new resources appropriated for the MDPP in FY 2001 are being utilized to lay the groundwork for the full implementation of PCS. These resources are being deployed to:

- g caseload reduction;
- g quality caseload supervision strategies and staff accountability;
- g greater community visibility;
- g reducing recidivism;
- g closer level of management involvement and oversight; and
- g increased clerical support.

The PCS staffing analysis implementation plan will be phased in over four budgetary cycles, FY2002 through FY 2005. The chart below shows the number and associated costs for staff and the type of staff requested over the next four budget cycles.

STAFF	FY 2002		FY 2003		FY 2004		FY 2005	
	#		#		#		#	
<b>SUPERVISION STAFF</b>								
Agents	67	\$1,887,641	59	\$1,662,251	59	\$1,662,251	59	\$1,662,251
Field Supervisors I	9	\$350,738	8	\$311,767	8	\$311,767	8	\$311,767
Field Supervisors II	2	\$83,210	2	\$83,210	2	\$83,210	2	\$83,210
<b>SUPPORT STAFF</b>								
Office Secretary I	13	\$283,579	13	\$283,579	13	\$283,579	13	\$283,579
Agent Assistants	10	\$222,810	10	\$222,810	10	\$222,810	10	\$222,810
Trainers	5	\$171,052						
Community Resource Coord.	4	\$112,695	4	\$112,695	4	\$112,695	4	\$112,695
Addictions Program Specialist	1	\$28,174						
Licensed Psychologist	1	\$44,422						
Accountant I	1	\$32,061						
Computer Info Svcs Specialists	5	\$150,255						
Subtotal Salaries & Wages		\$3,366,637		\$2,676,212		\$2,676,212		\$2,676,212
Fringe Benefits		\$1,072,058		\$919,128		\$919,128		\$919,128
Turnover Expectancy (-25%)		(\$1,109,673)		(\$898,835)		(\$898,835)		(\$898,835)
<b>TOTAL STAFF COSTS</b>		\$3,329,022		\$2,696,505		\$2,696,505		\$2,696,505
<b>OTHER</b>								
Communications		\$262,050		\$277,450		\$277,450		\$277,450
Travel		\$251,250		\$251,250		\$251,250		\$251,250
Office Supplies		\$12,150		\$12,150		\$12,150		\$12,150
Equipment		\$378,000		\$341,095		\$341,095		\$341,095
<b>TOTAL</b>	<b>118</b>	<b>\$4,232,472</b>	<b>96</b>	<b>\$3,578,450</b>	<b>96</b>	<b>\$3,578,450</b>	<b>96</b>	<b>\$3,578,450</b>

*Note: Communications costs include telephone and cell phone charges. Equipment costs include office equipment, data processing equipment, and bullet-proof vests for agents. For fiscal years 2002 - 2005, approximately \$330,000 will be required each year to similarly equip current supervision staff.*

In FY 2002, the MDPP plans to establish one PCS team in each of its criminal supervision regions/programs. Accordingly, 59 staff (agents and field supervisors) will be assigned to five teams to begin the implementation of PCS and caseload reduction. The other eight supervision staff requested in FY 2002 will permit six additional agents to be assigned to the Safe Neighborhoods initiative and two specialized agents for a new employment reintegration project. Thirteen office secretaries and ten agent assistants are requested to support supervision staff in the field by filing, answering phones, and performing other related secretarial or assistant duties.

In addition, 17 other support staff are requested to provide the necessary training and assistance for field staff in implementing and phasing in PCS, as well as providing ongoing support for PCS. This staff request is critical to the successful Division-wide implementation of PCS. Five trainers are requested to train supervision staff in the new PCS model. As a team, the trainers will focus on one region/program at a time until supervision staff are fully trained. The training staff will provide training in policy and procedures, motivational interviewing techniques, and computer/management information systems (how to enter and download data, use software, and use laptops).

Four community resource coordinators will assist supervision staff in finding employment and community resources that will assist offenders in successfully completing their supervision and reintegrating into society. Research has shown that employed offenders are more likely to succeed on supervision than unemployed offenders. Without community resource coordinators, the expected benefits of PCS will not be fully attained.

One addictions program specialist is requested to meet the increased volume of offenders who will be identified as needing substance abuse assessment and treatment placement. Also requested is a licensed psychologist who will provide program oversight and assist supervision staff in using a computerized needs assessment. The needs assessment program identifies the specific needs of offenders. These needs include alcohol and other drugs, education, mental health, and employment, among other needs. These two individuals will be an addition to the Division's Clinical Services Program staff, which currently provides assessment and placement for substance-abusing offenders.

A fiscal specialist is requested to meet the General Assembly's request that the MDPP programs be subcoded for better tracking, monitoring, and accountability of program expenditures. Finally, five computer information services specialists are needed to provide computer support and services for staff throughout the MDPP. These computer positions will be strategically located throughout the State to provide computer support to each region/program.

For FY 2003 through FY 2005, the same number of supervision and clerical support staff are requested in each of the budget years. Supervision staff will continue to be assigned to various offices so that caseload sizes can be reduced. For each of these budget years, staff will be placed and trained in 13 offices. By the end of FY 2005, all requested staff will have been strategically placed so that PCS can be fully implemented throughout the State.

This staffing analysis implementation plan is conservative, yet practical. By phasing in PCS incrementally over several budgetary cycles, the MDPP can resolve implementation issues, adjust its program as dictated by any regional/program differences, and gradually change its organizational culture so that PCS will meet its expectations—improved offender outcomes and public safety.

## NEW ROLES FOR AGENTS AND SUPERVISORS

### *Duties of Agents Now and Under PCS*

Now	Under PCS
Offender reports to agent. Most contacts are made in the office.	Agent goes to offender — limited office reporting — contacts are made in the community (home, employment, treatment, community center, or other sites in the community).
Average caseloads range in size from 100 to 140 active cases supervised in a mixed caseload (excluding specialized caseloads).	Caseloads are approximately 50-55 cases per agent (high-risk, high-need cases). There are also caseloads of about 200 low-risk, low-need offenders.
Standard-low cases currently have a contact standard requiring face-to-face contact every four months.	There is increased accountability for low-risk offenders through the use of monthly contact with kiosk reporting and group meetings.
Case staffing is limited.	Case staffing is conducted with the agent's supervisor and unit and also in conjunction with police, treatment providers and community members.
Agent makes most field contacts alone and in isolation.	Agent makes field contacts with a team — supervisors, other agents, police and other partners may participate. Agency enforcement staff may assist agents with home visits, as well as with follow-up on non-reporters and absconders.
Limited technology is available. Reports and field notes are paper-based. Mobile phones, body armor and laptops are available only in HotSpots. Reports are hand-written or dictated and then given to clerical staff for typing. When special data is needed, agents must collect it manually.	Technology improves safety and efficiency. Laptops are used to automate field notes. Mobile phones and body armor improve communications and safety. Reports are completed by the agent with the laptop. Advanced computer system collects data when needed.
Treatment referrals are made, but there are delays in obtaining appointments for offenders. Limited information is available from treatment providers.	The expanded use of HATTS (or a similar system) leads to quicker appointments, more information sharing with treatment providers and increased efficiency.
Limited sanctions are available so agents frequently forward violation reports to the courts and the Maryland Parole Commission.	Graduated sanctions are available and can be imposed more quickly (due to the smaller caseload size). There is an increased use of electronic monitoring. Fewer violation reports are needed if offender behavior is corrected.

## Now

## Under PCS

Unemployed offenders are encouraged to look for work and are instructed to bring in lists of jobs for which they have applied.	Community resource coordinators are available to assist offenders with job searches and placement.
Little attention is paid to an offender's educational and vocational needs.	Partnerships with local boards of education and community colleges lead to referral of offenders who can improve their educational levels (GED and beyond). Community resource coordinators assist with vocational training opportunities.
Agents have a limited role in warrant service. Warrants are given to law enforcement agencies for service without agent involvement. If the warrant remains unserved for six months, the case may be closed "pending warrant service."	Agents have partnerships with the police and are able to have warrants served more quickly. There is more time for the agent to coordinate service of the warrant. MDPP's warrant service unit is expanded to facilitate the service of parole retake warrants.
Agents attend and testify at court and Parole Commission hearings. Significant time is lost while agents sit in court.	The MDPP designates liaison agents to prepare cases and appear in court or before the Parole Commission.
Agent hours are generally 8:00 a.m. to 5:00 p.m. with two reporting nights per month.	Agents utilize alternative work schedules to include evenings and weekends.
Victim services are limited.	With smaller caseloads, agents have more time to interact with victims and victim advocates.
The collection system is inadequate.	An improved computer system provides for enhanced collections.
Sometimes, agents must determine restitution.	Better links with court data improve this process.
For sex offenders, home visits are scheduled to meet contact standards.	Surveillance is provided for sex offenders via unscheduled and more frequent home visits.
No polygraph is available.	Polygraph may be utilized.
Sex offenders are seen individually.	Sex offenders may be seen therapeutically in group meetings.
Evaluations of agents are based on meeting contact standards (outputs).	Evaluations of agents are based on the successful implementation of the case plan which leads to positive outcome measures.
Agents are reacting to problems.	Strategic case planning is proactive – offender needs (employment, education, treatment) are addressed to prevent new crimes.

## ***Duties of Supervisors Now and under PCS***

<b>Now</b>	<b>Under PCS</b>
Supervisors spend a large amount of time reviewing and signing reports and OBSCIS II update forms.	The number and type of reports and updates to be reviewed by the supervisor are reduced. A network to transmit reports directly to receiving agencies may be created (with electronic signature).
The span of control for first-line supervisors is 1 for 8 to 10 agents. Supervisors are generally office bound from 8:00 a.m. to 5:00 p.m.	The span of control for first-line supervisors is 1 for 5 or 6 agents. Supervisors utilize more flexible schedules and spend time out of the office observing agents in the field and in court. Supervisors also work within communities to develop and maintain partnerships.
Supervisors place their initials on offender case plans.	Supervisors have a much larger role in the development and approval of offender case plans.
Case staffing is limited.	Supervisors regularly staff cases with agents in a team approach. There is more teamwork with agents and ongoing information sharing, leading to positive outcomes.
Supervisors react to problems in cases.	Supervisors have a working knowledge of the unit's cases which will enable the supervisor to be proactive and prevent problems.
The role is auditor/supervisor. Supervisors conduct reprimand hearings with offenders which are often punitive and not goal oriented. The expectations are not clearly defined. The supervisor then determines the sanction to be imposed.	The role is team leader and mentor. The reprimand hearing is a problem-solving meeting with the offender. There is more strategic case planning before the sanction is determined.
Supervisors audit cases (3 per month for experienced agents, 10 per month for new agents.) The audit counts contacts and does not address the quality of the case supervision. The focus is on quantity.	The method of case review allows for more discussion with the agent and focuses on the agent's implementation of the case plan.
Supervisors are responsible for reviewing and signing intakes.	Clerical supervisors are responsible for the review and approval of intakes. This also creates a career ladder for clerical staff.



## Now

## Under PCS

The computer system is limited and does not provide for adequate data collection.	A new computer system allows for easier access to management reports. The supervisor gets information from the computer instead of by hand counts. There are links to other systems which allow for the efficient transfer of information and data.
Supervisors are responsible for imposing or recommending discipline for agents.	There is more time for on-the-job training and mentoring which should lead to improved performance and less need for discipline. When discipline is needed, it is more effective as the supervisors respond more quickly.
Supervisors conduct monthly staff meetings to share information.	Meaningful interaction between supervisors and agents takes place daily.
There is little management training.	More relevant training is available (e.g., interpersonal skills, leadership, policies, procedures, regulations and statutes, collective bargaining requirements).

## MARYLAND DIVISION OF PAROLE AND PROBATION



### *BluePrint for the Future*

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The Maryland Division of Parole and Probation recognizes staff as its most vital resource, through these professional principles:

<b>DIGNITY</b>	We respect the dignity of each individual.
<b>PRIDE</b>	We take pride in our ability to work together as a team.
<b>HUMOR</b>	We maintain perspective on our task, ourselves, and each other.
<b>INTEGRITY</b>	We value honesty in all we do.
<b>ACCOUNTABILITY</b>	We measure ourselves according to our highest standards.
<b>CREATIVITY</b>	We encourage and support participatory management.
<b>LEADERSHIP</b>	We strive for excellence in the criminal justice community.

### **VISION**

The Maryland Division of Parole and Probation sees improved quality of life for the citizens of Maryland and increased offender success through collaborative crime prevention, community justice, and commitment to our professional principles.

### **MISSION**

The mission of the Maryland Division of Parole and Probation is to support the people of Maryland in making communities safer by:

- ✧ Providing levels of control of offenders through comprehensive case management and intervention strategies;
  - ✧ Conducting investigations and reporting accurate and timely information for decision-makers;
  - ✧ Offering and delivering victim services;
  - ✧ Entering and developing partnerships with stakeholders that lead to a shared vision;
  - ✧ Living our professional principles.
-

**REQUIRED ELEMENTS FOR IMPLEMENTATION OF PCS**

**A. OPERATIONAL REQUIREMENTS**

**1. Assessment/Reassessment, Case Planning, and Case Management**

- g** Adopt a validated classification instrument to use with the new system.
- g** Utilize a case planning tool which directs the agent's activities and allows for outcome-based performance measures.
- g** Develop a new case management procedure-case management techniques, sanctions framework, parolee/probationer signed cooperative agreements, new forms.

**2. New Management Scheme for Offenders**

- g** Develop a new scheme for managing and controlling offenders in the community which incorporates information technology, the PCS model and uses alternative work schedules and kiosks.
- g** Two levels of supervision (maximum for high-risk, high-need offenders and minimum for low-risk, low-need offenders).

**3. Intake**

- g** Risk screening tool to direct offenders to proper level of supervision.
- g** Ensure community-based supervision of offenders, rather than random assignment of offenders among offices.

**4. Team Approach to Supervision/Management**

- g** Agents and supervisors will function as teams.
- g** Develop collaborative relationships with police, the community, and treatment providers.
- g** Increase the role of victims and the Office of Victim Services in MDPP operations.

**5. Agents/Supervisors**

- g** Redefine agent and supervisor roles, creating more community linkages.
- g** Utilize alternative work schedule to expand days and hours of supervisors and agents.
- g** Use the office as the base of management and monitoring and the community as the place of supervision.
- g** Provide agents/supervisors with training in technology, case management techniques and team building.

## 6. Warrant Service

- g Expand MDPP's warrant apprehension unit to facilitate the service of parole retake warrants.
- g Partner with law enforcement agencies to expedite and facilitate the service of violation of probation warrants.

## 7. Technology

- g Use laptop computers to enter field notes, check CJIS for warrants/arrests.
- g Use GIS technology for planning purposes and resource allocations.
- g Provide e-mail connectivity for communication.
- g Use kiosks to manage offenders.

## B. INFRASTRUCTURE REQUIREMENTS/CHANGES

### 1. Staffing

- g Ensure the appropriate number and types of staff are within the MDPP.

### 2. Physical Resources

- g Develop or obtain an MIS system for case management, research, and performance measures.
- g Obtain the equipment necessary for staff to perform their new duties under the PCS model — cars, cell phones, bullet-proof vests, computers.
- g Consider use of on-site drug testing for immediate results and to confront offender.

### 3. Career Development and Training

- g Develop future leaders.
- g Retain staff .

### 4. Streamline Business Processes

- g Develop and use simplified forms.
- g Revise manuals and make them easier to use and understand (including on-line access).
- g Improve communications among staff.
- g Develop clear lines of responsibility.
- g Empower staff to make decisions within their span of control.

# Division of Parole and Probation Risk Screener

Date of Birth

/   /

APPENDIX E

Last Name

First Name

MI

Parole and Probation Number

SID Number

Court Case Number - District

Tracking Number

Court Case Number - Circuit

Date of Sentence

/   /

Last Name - Intake Worker

First Name - Intake Worker

MI

Today's Date

/   /

**DPP Status:** ☐ Probation ☐ Parole ☐ Mandatory Release ☐ PSS

## Score

**Marital Status**

Married = 0 Not married = 2

**Education Level**

H.S. and above = 0 No H.S. or GED = 2

**Alcohol Condition by Court**

No = 0 Yes = 1

**CDS Offender**

Three or less prior arrests = 0 Four or more prior arrests = 2

Codes: 720 thru 752

**Property Offender**

Two or less prior arrests = 0 Three or more prior arrests = 3

Codes: 371 thru 491

**Must Register as a Sex Offender**

No = 0 Yes = 4

☐ BTC ☐ DV ☐ Violent ☐ Hot Spot/Spot Light

☐ Override

☐ Other:

**Total Score**

Low Supervision = 0 - 3, High Supervision = 4 or more

## Other Characteristics

**Felony Offender**

Codes: 101-116, 131-161, 181-193, 201-210, 231-291, 314-323, 344-353, 471-478, 728-752, 805-823

☐ Two or less prior arrests

☐ Three or more prior arrests

**CDS Current Offender**

Codes: 720 thru 752

☐ Yes ☐ No

**Time Since Last Arrest**

☐ Over two years or no arrests ☐ Zero to two years

**Sex Offender**

☐ Child Sexual Offender

☐ Offender

☐ Sexually Violent Offender

☐ Sexually Violent Predator

## An Easy Ride for Felons on Probation

By John J. DiIulio and Joseph P. Tierney

**T**he violent crime rate in the United States has fallen by about a third since 1993, but it could fall further if we took better control of the millions of criminals who are on probation rather than in prison or jail.

A growing body of evidence is showing that the "broken windows" strategy used effectively by police departments -- taking petty crimes seriously as a way to establish a low tolerance for lawbreaking at every level -- can be adapted to the treatment of people on probation. If those who break the conditions of probation, even with what seem like minor lapses, are held accountable for it, the public will be safer.

Although our jails and prisons hold nearly two million people, there are many more on probation -- and not just for misdemeanors marring otherwise clean records. The Bureau of Justice Statistics reports that in 1999 more than 3.7 million adults were under supervision of probation officers nationwide. Nearly two million of them had been convicted of one or more felony crimes but sentenced to probation for those crimes, rather than to prison. In many states, about half the people on probation have histories of criminal violence.

Probation is supposed to rehabilitate the offender and protect the public. But about 40 percent of all felony probationers are rearrested for fresh felonies within three years of being placed under community supervision. Others walk away: in 1990, with a

probation population a third smaller than what we have now, probation agencies had lost track of a quarter-million "absconders" -- people still under sentence but not reporting in. Because record keeping has become so spotty, no one knows how many absconders there are today. Few attempts are made to locate them or bring them to court.

Half of all probationers violate the terms of their sentences, but only a fifth go to jail as a result. In 1998, some 255,000 probationers were incarcerated for new felony crimes committed while under supervision, and another 615,000 violated one or more terms of their sentences but received no punishment. And though courts routinely make drug treatment a condition of probation (since an estimated 80 percent of probationers have serious substance abuse problems), fewer than 40 percent of all probationers nationwide actually participate in drug treatment during their sentences.

We spend only about \$200 a year per probationer, and we get what we pay for. Strapped for time and overburdened by their caseloads, probation officers too often resort to "fortress probation," shuffling paperwork and rarely leaving their offices or having face-to-face contact with the offenders they supposedly supervise. One recent study found that in 1998 fewer than one in 20 people who worked for probation agencies ever actually spent time supervising felony probationers on the streets.

A lax attitude toward enforcement pervades the system, and probationers have come to expect two or more "free

ones" when it comes to drugs in urine samples, electronic monitoring violations, or failure to comply with a wide variety of conditions. The Manhattan Institute recently released a report by the Reinventing Probation Council, a group of probation officials from across the country, which argues that the response to violations should be graduated sanctions, like curfews or house arrest, more intensive supervision or monitoring, mandatory drug treatment, a brief period of confinement in jail, or placement in a close-watch residential facility. As the report stresses, firsthand knowledge of an offender's family and neighborhood are critical elements of effective supervision. Probation supervision must cease to be a 9-to-5 occupation. It must be delivered at nights, on weekends and on holidays.

Such reforms will not be easy. Adult probation caseloads have soared to more than 500 per officer in many cities. Some 60 percent of Los Angeles probationers, for example, are tracked solely by computer. Many probation agencies, monitoring both adult and juvenile offenders, lack even basic data like addresses and phone numbers.

Where strict probation has been tried, however, the results are encouraging. After Williamson County, Tex., probation officers decided to crack down on absconders, they arrested over 1,000 probation violators and collected more than \$65,000 in unpaid penalties.

In Boston, where probation officers formed partnerships with police and clergy to reduce juvenile violence, more probationers than ever got face-to-face

visits, drug treatment, family counseling, and help finding jobs. During the first year of the effort, the number of people arrested for violating probation quadrupled. Shortly afterward, the city went for more than two years without a single gun-related juvenile homicide.

In Philadelphia, officials discovered that a quarter of the murders in the city's most violent police district were committed by felons on probation. Police, prosecutors, clergy and outreach workers pooled information about young probationers in this district identified as being at extreme risk of killing or being killed. The police carefully monitored the group, and community leaders offered counseling. A year later, while youth violence remained high elsewhere in the city, the homicide rate had plummeted in the district, and none of the targeted young people had lost their lives or taken those of others.

After the public learned that a suspect in the murders of five people at a Wendy's restaurant in Flushing, Queens, last May had previously been convicted of armed robbery and sentenced to probation, there were calls to abolish probation. But that would be a profoundly unwise and unworkable response, tantamount to doubling the prison population overnight. We would do better to give probation departments across the country the administrative tools and financial support they need to do their public-safety jobs right.

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